

ENTERED

December 02, 2015

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LESTER JOSEPH,

Plaintiff,

VS.

NATIONSTAR MORTGAGE,

Defendant.

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CIVIL ACTION NO. H-15-1001

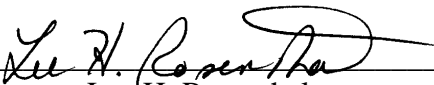
FINAL JUDGMENT

On July 20, 2015, the defendant, Nationstar Mortgage, filed a motion to dismiss, (Docket Entry No 13). The plaintiff, Lester Joseph, responded, (Docket Entry No. 15), and Nationstar replied, (Docket Entry No. 17). On November 24, 2015, counsel for Mr. Joseph failed to appear at the court-ordered hearing and docket call.

Mr. Joseph's amended complaint makes clear that all of his claims are tied to the allegation that Nationstar misapplied a \$63,000 loan payment in 2008. Any claims based on that allegation are barred by the applicable statute of limitations. Because multiple amendments have failed to assert claims not barred by the statute of limitations, and because many of the claims, such as the DTPA claim, are otherwise deficient as a matter of law, further amendment would be futile. The motion to dismiss is granted.

This case is dismissed, with prejudice. This is a final judgment.

SIGNED on December 2, 2015, at Houston, Texas.



Lee H. Rosenthal
United States District Judge